

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

Industrial Kinetics, Inc. and MT & GII, LLC :

-vs- :

Commonwealth Edison Company : 08-0610

Complaint as to service in Downers Grove :
And Westmont, Illinois :

PLAINTIFFS' RESPONSE TO RESPONDENT'S MOTION TO DISMISS

Now come the Plaintiffs Industrial Kinetics, Inc. and MT & GII LCC (collectively, "Plaintiffs") by and through their attorney, Anne Marrs Huber, in response to the Motion to Dismiss filed by Respondent Commonwealth Edison Company ("ComEd").

This dispute arose from ComEd's delay in providing adequate power to the Plaintiffs' new facility in Downers Grove, Illinois. During this delay, ComEd failed to provide any service for 66 days during the hot summer of 2007. The building was completely dark.

In addition to the allegations in the Complaint, the parties recently discovered serious billing discrepancies.

The parties have been in negotiations to address all disputes among them. However, they require additional time to collect relevant evidence. Accordingly, the Plaintiffs ask that the Motion be continued for three months.


CO-11 V. 11-111-02
COMMONWEALTH EDISON COMPANY
11-11-02
MWH

WHEREFORE, Plaintiffs request that the Motion be continued for three months.

Dated: January 12, 2009

Respectfully submitted,

INDUSTRIAL KINETICS, INC. and MT & GII, LLC

By: 
Anne Marrs Huber, their Attorney, ARDC No. 6226828

ANNE MARRS HUBER, Esq.
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NOTICE OF FILING

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on January 12, 2009, I filed with the Chief Clerk of the Illinois Commerce Commission the Plaintiffs' Response to the Respondent's Motion to Dismiss, attached hereto, a copy of which is hereby served upon you.

Dated: January 12, 2009

Respectfully submitted,

INDUSTRIAL KINETICS, INC. and MT & GII, LLC

By: Anne Marris Huber

Anne Marris Huber, their Attorney, ARDC No. 6226828

ANNE MARRS HUBER, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2009, I served Plaintiffs' Response to Respondent's Motion to Dismiss by causing a copy thereof to be placed in the U.S. Mail, first class postage affixed, addressed to each of the parties indicated below:

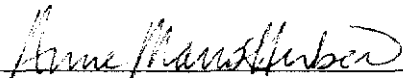
Ms. Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Darryl Bradford, Senior Vice President & General Counsel
Commonwealth Edison Company
440 S. LaSalle, 33rd Fl.
Chicago, IL 60605

Mark L. Goldstein, Atty. for Commonwealth Edison Company
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Terrance Hilliard, Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
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Marianne T. Huber
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Anne Marrs Huber, Esq.